

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Numbering Policies for Modern Communications)	WC Docket No. 13-97
IP-Enabled Services)	WC Docket No. 04-36
Telephone Number Requirements for IP-Enabled Services Providers)	WC Docket No. 07-243
Telephone Number Portability)	CC Docket No. 95-116
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
Connect America Fund)	WC Docket No. 10-90
Numbering Resource Optimization)	CC Docket No. 99-200
Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources)	
Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission's Rules)	

To: The Commission

PETITION FOR RECONSIDERATION

Fractal, LLC ("Fractal"), through counsel, hereby seeks partial reconsideration of the order set out principally in paragraphs 87-108 of the above-captioned *Notice of Proposed Rulemaking, Order and Notice of Inquiry, FCC 13-51 (released April 18, 2013)* (the "Order"). The Order authorizes a limited technical trial of direct access to telephone numbers by Vonage Holdings Corporation ("Vonage") and others by waiving section 52.15(g)(2)(i) of the Commission's rules.

In brief, the Commission erred by limiting the authorized trial to parties with pending waiver applications. There is no sound basis for denying other parties, like Fractel, that are similarly situated to the designated companies, a timely opportunity to participate in this important trial. Exclusion of other qualified parties from the trial will limit the data available for analysis and will cause Fractel substantial and irreparable competitive harm.

I. Fractel is an interconnected VoIP provider that is similarly situated to the companies permitted to participate in the trial, and it is prepared to meet the same conditions as the authorized participants in a timely fashion.

Fractel is a provider of complete cloud communications solutions based on VoIP service. Fractel's products include cloud PBX, local origination, toll free, long distance and international services. With a focus on SMB and enterprise markets, call quality and service reliability are critical to the success of their business.

Fractel has prepared an implementation plan in accord with the directions set out in the Order. See Attachment 1. Upon Commission approval of its participation in the trial, Fractel would be prepared to immediately commence implementing this plan. Thus, Fractel's timely participation in the trial is possible.

II. Fractel's and other similarly situated parties' participation in the trial will provide additional timely and valuable data for analysis.

As the Order recognizes, "different providers might highlight unique problems or develop solutions to problems that would assist [the Commission] in crafting final rules." Fractel, for example, operates in a different geographic area from other trial participants, and it differs both in the types of customers it serves and the types of services it offers.

III. Fractel and other similarly-situated parties will suffer substantial competitive harm by the denial of an opportunity to participate.

As they acknowledge and enumerate, trial participants will enjoy many competitive benefits from gaining direct access to numbers, even on a trial basis. Direct access will improve network reliability by enabling them to build additional redundancy into their networks.

IP interconnection will lower the participants' costs by allowing them to reduce reliance on wholesale third-party networks. Interconnected VoIP carriers often suffer because other carriers refuse or are unable to route their traffic directly to them because industry routing databases like the Number Portability Administration Center (NPAC) and Local Exchange Routing Guide (LERG) associate their telephone numbers with their underlying carriers, rather than with them. Having direct access to numbers would remove this barrier to IP interconnection and facilitate IP exchange of Fractel's and other similarly-situated carriers' traffic.

Facilitating such exchange of traffic will dramatically improve the quality of the participating carriers' calls by giving them greater control; it will permit them to avoid unnecessary routing through Time Division Multiplexing networks; it will provide greater visibility into their call routing; and it will simplify their troubleshooting. In addition, the inability to directly access and maintain the information in the NPAC and LERG databases, along with other databases such as Caller ID Name (CNAM) and Line Information Database (LIDB), leaves non-participants with a number of significant customer service issues. Also, having direct access to numbers would improve the participants' provisioning of call features for their customers. Finally, reliance on underlying LECs for Local Number Portability (LNP) adds unnecessary complication and cost, and in many cases causes loss of business due to lack of number availability—losses the participants will be able to avoid.

While the waiver benefits will only accrue to a percentage of the numbers Vonage and the other trial participants will obtain, and thus will provide them a proportionally limited benefit over their non-participating competitors, there currently are geographic areas where access to numbers for VoIP providers through an interconnected local exchange carrier simply is not available. The ability to directly access such numbers will give the waiver recipients exclusive access to these geographic areas for the period of the test. This would be a particularly damaging scenario if the test period should be extended.

Perhaps most importantly, the trial would afford participants access to databases and other resources that are currently not available to other VoIP providers. Access to these resources will facilitate advantages that can be leveraged for the benefit of *all* the participants' numbers and customers, both during the trial and afterwards.

IV. Fractel lacked timely notice that the Commission was considering this trial so that it could participate in the proceeding and the trial.

Fractel agrees with those parties who opposed the waiver requests of the trial participants because the grant of such waivers would have provided a substantial advantage to the recipients and because the matter of direct access can only be addressed appropriately through an industry-wide rulemaking such as the Commission has now undertaken.

The Commission did not provide any notice that it was considering granting temporary waivers to selected parties that would permit them to enjoy the very substantial benefits of direct number access. That the Commission recognizes that the trial must be limited in time and in the volume of numbers to be obtained directly demonstrates that the relief granted to the trial participants is quite different from the relief they requested and about which comment was sought.

Fractel's present filing is thus a timely submission of its objection to what was an insufficiently-noticed procedure for addressing these critical issues.

Further, had Fractel received appropriate notice of the impending trial, it would have applied to participate. Despite the lack of notice, Fractel has prepared and hereby submits its plan to participate in the trial, and thus it demonstrates that it is prepared to become a timely participant in the trial.

V. Conclusion.

The Order should be modified to provide Fractel and other similarly-situated parties a short period of time (e.g., 30 days) to demonstrate that they are qualified to participate in the trial and willing to commit to the conditions of the trial. Upon approval of this showing, any such party should be allowed to participate in the trial.

Further, as noted above, Fractel has already prepared an implementation plan (copy attached), and it hereby requests that the Order be modified to grant Fractel authority to start the trial promptly.

Finally, it is critical that should the Commission nevertheless proceed with the trial as contemplated, it must stand by its express determinations to keep the trial limited in duration to six months and to strictly limit the volume of numbers that participants are allowed to access directly. As this pleading has emphasized, conducting this trial causes serious competitive

harm to the non-participating carriers and these adverse consequences would be multiplied by any extension of the duration or scope of the waivers the Commission is granting.

Respectfully submitted,



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Dated: May 20, 2013

Fractel, LLP Petition for Reconsideration
Attachment 1

Numbering Plan Proposal of Fractel, LLC ("Fractel")

- A. The following are the LATAs in which FRACTEL would like to have numbers directly assigned, the amount of numbers and the number of ports:

LATA 45806 (Orlando FL) Direct Allocation 1,000 block, Port in 100 TNs
LATA 952 (Gulf Coast FL) Direct Allocation 1,000 block, Port in 100 TNs

FRACTEL is requesting number blocks in two LATAs in order to properly test routing multiple LRNs are required. The actual number and location of LATAs may change.

- B. The following is a description of the phase-in process to implement the trial:

Phase I- Initial Setup

1. Acquire an OCN from NECA.
2. Setup, test and turn up of SIP trunks with Neutral Tandem (Inteliquent).
3. Acquire direct allocations in desired LATAs from NANPA.
4. Populate LERG with LRNs for assigned T-Blocks, and nominate Neutral Tandem as the "Local Tandem" and "Access Tandem" for each T-Block LRN.

Phase II- Testing and Verification of NANPA assigned T-Blocks

1. Test and turn up of newly assigned T-Block TNs with friendly test sites in each trial LATA.
2. Test calls from various markets, including ILECs, cellular and cable carriers, to verify routing and call completion.
3. Test E911 services.
4. Mitigate any issues discovered in this phase.

Phase III- Testing and Verification of LNP

1. Initiate LNP.
2. Upon LNP completion, update LERG with appropriate LRN.
3. Test calls from various markets including ILECs, cellular and cable carriers, to verify routing and call completion.
4. Test E911 services.
5. Mitigate any issues discovered in this phase.

Phase IV- Testing and Verification of live customers -NEW TNs. (This phase will only be implemented once phases 1-3 have been extensively tested and their success validated.)

1. Test and turn up of newly assigned T-Block TNs with customers in each trial LATA.
2. Test calls from various markets, including ILECs, cellular and cable carriers to verify routing and call completion.
3. Test E911 services.

4. Mitigate any issues discovered in this phase.

Phase V- Testing and Verification live customers – LNP (This phase will only be implemented once phases 1-3 have been extensively tested and their success validated.)

1. Initiate LNP.
2. Upon LNP Completion, update LERG with applicable LRN.
3. Test calls from various markets including, and most importantly iLecs, to verify routing and call completion.
4. Test E911 services.
5. Mitigate any issues discovered in this phase.